

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**EQUAL EMPLOYMENT OPPORTUNITY** )  
**COMMISSION,** )  
  
**Plaintiff,** )  
  
**v.** )  
  
**LA WEIGHT LOSS,** )  
  
**Defendant.** )

**Case No. WDO-02-CV-648**

## JOINT MOTION TO EXTEND DATE FOR DISCLOSURE OF REBUTTAL EXPERT

Pursuant to the Federal Rules of Civil Procedure, Rule 105 of the Local Rules of the United States District Court for the District of Maryland and the Court’s October 2, 2006, Letter Order regarding expert discovery (“Letter Order”), Plaintiff U.S. Equal Employment Opportunity Commission and Defendant LA Weight Loss Centers, Inc. (the “Parties”) respectfully request that the Court enter a limited order modifying the date set forth in the Letter Order for EEOC to disclose its rebuttal expert report regarding Defendant’s expert David Jones, Ph.D.

In support of this Motion, the Parties state that at the September 27, 2006, hearing the Parties' counsel were unaware that EEOC had not yet received certain voluminous electronic files as a part of Rule 26(a)(2)(B) data disclosure regarding the Jones Report. Defendant anticipates production of these files to EEOC by Tuesday, October 10, 2006. In addition, EEOC received Rule 26(a)(2)(B) disclosure of additional hard copy documents regarding the Jones Report after the September 27<sup>th</sup> hearing (on Saturday September 30<sup>th</sup>). In light of the aforementioned additional production of expert

materials, and the importance of those materials, the Parties agree that EEOC's expert should be afforded additional time to consider them as part of his expert analysis. However, the Letter Order currently requires disclosure of EEOC's rebuttal report by not later than October 10, 2006, and the Parties agree that such date will not afford an opportunity for analysis of the newly-disclosed materials.<sup>1</sup>

Accordingly, for good cause shown, the Parties request that the Letter Order be modified to permit disclosure of any EEOC rebuttal report regarding Dr. Jones by not later than **October 25, 2006**.

Respectfully submitted,

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Tracy Hudson Spicer (Bar No. 08671)  
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/s/

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<sup>1</sup> The Parties anticipate joint submission of a revised Scheduling Order regarding all other deadlines referenced in the Letter Order in the near future. However, the instant Joint Motion is necessitated by the impending October 10<sup>th</sup> deadline.

LA WEIGHT LOSS CENTERS, INC.

/s/

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